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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA
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9 Jean Morgan,

10 Plaintiff,

11 vs.

12 MCI Telecommunications Corp., et al.,

13 Defendants.
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) No. CIV 99-0489-PHX-DKD
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ORDER

15 Pending before the Court is Plaintiff's September 8, 2004 Motion to Alter or Amend the
16 Court's Judgment. The Court entered said judgment upon Defendants' unopposed motion
17 following Defendants' bankruptcy. Plaintiff asked that the Court's judgment be amended to
18 reflect that it was without prejudice to Plaintiff's pursuit of her claim as permitted by
19 Defendants' confirmed Chapter 11 plan. Plaintiff asserted that "out of an abundance of caution,
20 Plaintiff seeks to have the judgment amended to reflect that the dismissal was without prejudice
21 and does not otherwise prevent Plaintiff from seeking allowance of and distribution on its claim
22 in accordance with the procedure set forth in the MCI's Plan." Doc. #176 at p. 2.

23 The Court allowed this motion to remain pending for over a year to allow Plaintiff to
24 further inform the Court if the feared specter of the inappropriate use of the judgment in this
25 case to preclude Plaintiff's presentation of her claim pursuant to the Plan should be realized.
26 In light of the fact that no further information has been proffered and that it appears very
27 unlikely that Plaintiff's fears would be realized (in light of grounds asserted in the Motion to
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1 Dismiss), the Court will deny Plaintiff's Motion to Amend. This denial however is, itself,
2 without prejudice.

3 **IT IS THEREFORE ORDERED DENYING** Plaintiff's Motion to Alter or Amend the
4 Court's Judgment (Doc. #176).

5 **IT IS FURTHER ORDERED DENYING** the parties' Stipulation for Extension of
6 Time (Doc. #177), as MOOT.

7 DATED this 28th day of September, 2005.

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David K. Duncan
United States Magistrate Judge
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